

SOLOMON PEARL BLUM HEYMANN & STICH LLP  
Attorneys for Defendant  
Bionutrics, Inc.  
40 Wall Street, 35<sup>th</sup> Floor  
New York, New York 10005  
(212) 267-7600  
David P. Stich

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BUSHIDO CAPITAL MASTER FUND, L.P.,	:	08 Civ. 0146 (LTS)
	:	
Plaintiff,	:	
	:	NOTICE OF MOTION
-against-	:	
	:	
BIONUTRICS, INC.	:	
	:	
Defendant.	:	

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PLEASE TAKE NOTICE, that upon the annexed affidavit of David P. Stich, Esq. a partner of Solomon Pearl Blum Heymann & Stich, LLP, attorney for the defendant Bionutrics, Inc. (now known as Synovics Pharmaceuticals, Inc.), sworn to on the 4th day of April, 2008, the exhibits annexed thereto; and upon all other papers filed and proceedings heretofore had herein, Bionutrics, Inc. will move this Court before the Honorable Laura Taylor Swain, United States District Judge, United States Court House, 40 Centre Street, Room 755, New York, New York 10007, on May 9, 2008 for an order: (1) dismissing this action pursuant to Fed. R. Civ. P. 12(b)(1); and (2) granting Bionutrics, Inc. such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that opposition papers shall be served pursuant to the Local Civil Rules of this Court on or before April 21, 2008.

PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 2(B) of the Individual Rules of Practice of this Court, the undersigned transmitted a letter to Peter R. Ginsberg, Esq., attorney for the Plaintiff herein, on April 2, 2004 by facsimile transmission, noting the Defendant's intention to make the motion contemplated hereby, citing authorities that the Amended Complaint must be dismissed due to a lack of subject matter jurisdiction. On April 3, 2008, I had a telephone call with Daniel Zelenko, Esq., wherein I restated the Defendant's position. He replied that he would revert to me upon discussion with his client. Mr. Zelendo responded by letter dated April 3, disagreeing with Defendant's argument. Thus, the undersigned believes that I have used my best efforts to comply with this Court's Individual Rules of Practice to use best efforts to resolve the matters raised by this motion.

Dated: New York, New York  
April 4, 2008

SOLOMON PEARL BLUM HEYMANN  
& STICH LLP

By: 

David P. Stich

A Member of the Firm  
Attorneys for Defendant  
Bionutrics, Inc  
40 Wall Street, 35<sup>th</sup> Floor  
New York, New York 10005  
Telephone: (212) 267-7600

To: Crowell & Moring LLP  
Attorneys for Plaintiffs  
Attn.: Peter R. Ginsberg  
153 East 53<sup>rd</sup> Street, 31<sup>st</sup> Floor  
New York, New York 10022  
Telephone: (212) 223-4000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BUSHIDO CAPITAL MASTER FUND, :  
L.P., BCMF TRUSTEES, L.L.C., :

Plaintiffs, :

-against- :

BIONUTRICS, INC., :

Defendant. :

08 Civ. 0146 (LTS)

AFFIDAVIT OF SERVICE

-----X  
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

YESENIA ZEA, being duly sworn, hereby deposes and says:


1. I am over eighteen years of age, not a party to this action and reside in Queens, New York.

2. On April 4, 2008, I served one copy of the annexed NOTICE OF MOTION, by depositing the same, enclosed in a securely sealed first class postage paid envelope, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York addressed to:

Crowell & Moring LLP  
Attorneys for Plaintiffs  
Attn.: Peter R. Ginsberg  
153 East 53<sup>rd</sup> Street, 31<sup>st</sup> Floor  
New York, New York 10022  
Telephone: (212) 223-4000

  
\_\_\_\_\_  
Yesenia Zea

Sworn to before me this  
4<sup>th</sup> day of April, 2008

  
\_\_\_\_\_  
Notary Public, State of New York  
Registration #02TE5069470  
Qualified in Kings County  
My Commission Expires Nov. 25, 2010